

## **Exhibit H**

00001

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MASSACHUSETTS  
3  
4 IN RE: PHARMACEUTICAL )  
5 INDUSTRY AVERAGE ) MDL No. 1456  
6 WHOLESALE PRICE )  
7 LITIGATION ) No.  
8 ) 01-CV-12257-PBS  
9 This Document Relates to )  
10 All Actions )  
11 )  
12  
13 HIGHLY CONFIDENTIAL -  
14 ATTORNEYS' EYES ONLY  
15 August 19, 2004  
16 9:00 a.m.

17 Deposition of PAM MARRS, held at Hilton  
18 Garden Inn, 3585 Solano Avenue, Napa, California,  
19 pursuant to 30(b)(6) notices, before Wendy E. Arlen, a  
20 Certified Shorthand Reporter of the State of  
21 California.

22

00002

1 APPEARANCES:  
2  
3 HEINS MILLS & OLSON, P.L.C.  
4 Attorneys for the Plaintiffs  
5 3550 IDS Center  
6 80 South Eighth Street  
7 Minneapolis, Minnesota 55402  
8 BY: DAVID R. WOODWARD, Esq.  
9 MATT RUAN, Esq.

10  
11 KELLEY DRYE & WARREN LLP  
12 Attorneys for Dey  
13 101 Park Avenue  
14 New York, New York 10178  
15 BY: PAUL F. DOYLE, Esq.  
16 ANTONIA F. GIULIANA, Esq.  
17 And  
18 JOHN M. KLING  
19 Senior Vice President, Legal  
20 2751 Napa Valley Corporate Drive  
21 Napa, California 94558

22

00003

1 APPEARANCES (Continued):

2

3 PERKINS COIE

4 Attorneys for Immunex

5 1201 3rd Avenue, 40th Floor

6 Seattle, Washington 98101

7 BY: ZOE PHILIPPIDES, Esq.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

00217

4 Q. What is average sales price?

5 A. Well, it has a variety of meanings to a  
6 variety of people.

7 Q. As used by Dey?

8 A. We used average selling price in some of our  
9 internal documents, and it's merely -- you know, at a  
10 big picture level it's sales dollars divided by units.

11 There are some complexities within that calculation ,  
12 but generally speaking, that's what it is.

13 Q. And what are you referring to when you say  
14 sales dollars?

15 A. Pardon me?

16 Q. What are you referring to when you say sales  
17 dollars?

18 A. You would look at our sales reports, and it  
19 would be sales for that product minus returns,  
20 chargebacks, rebates and the various other allowances  
21 on an accrual basis divided by units. It does not  
22 include deductions for cash discounts, admin fees or

00218

1 Medicaid rebates.